

Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)

TITLE III

OFFICIAL CONTROLS AND FINAL PROVISIONS

CHAPTER I

Official controls

Article 46

Suspensions, withdrawals and prohibitions on operations

1 If the official controls and supervision carried out by the competent authority reveal that one or more of the requirements of this Regulation are not met, it shall take appropriate action.

The competent authority shall in particular, as appropriate to the nature and to the gravity of the deficiencies and to the potential risks for public and animal health:

- a suspend approvals of establishments or plants approved pursuant to this Regulation, if:
 - (i) the conditions for approving or operating the establishment or plant are no longer fulfilled;
 - (ii) the operator can be expected to remedy the deficiencies within a reasonable period of time; and
 - (iii) the potential risks to public and animal health do not require action in accordance with point (b);
- b withdraw approvals of establishments or plants approved pursuant to this Regulation, if:
 - (i) the conditions for approving or operating the establishment or plant are no longer fulfilled; and
 - (ii) the operator cannot be expected to remedy the deficiencies within a reasonable period of time:
 - for reasons relating to the infrastructure of the establishment or plant,
 - for reasons relating to the personal capacity of the operator or the staff under his supervision, or
 - because of serious risks to public and animal health requiring major adjustments to the operation of the establishment or plant before the operator may apply for re-approval;
- c impose specific conditions on establishments or plants in order to rectify existing deficiencies.

Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1069/2009 of the European Parliament and of the Council, Article 46. (See end of Document for details)

2 The competent authority shall, as appropriate to the nature and to the gravity of the deficiencies and to the potential risks for public and animal health, temporarily or permanently prohibit operators referred to in Articles 23(1) and (3) and Article 24(1) from carrying out operations under this Regulation, as appropriate, following receipt of information indicating:

- a that the requirements of [F1retained EU law] are not met; and
- b potential risks to public or animal health arising from such operations.

Textual Amendments

- F1** Words in Regulation substituted (E.W.S.) (31.12.2020) by [The Animals, Aquatic Animal Health, Invasive Alien Species, Plant Propagating Material and Seeds \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1388\)](#), **reg. 12(2)**

Changes to legislation:

There are currently no known outstanding effects for the Regulation (EC) No 1069/2009 of the European Parliament and of the Council, Article 46.